

Merchantville, NJ

April 12, 2010

A regular meeting of Borough Council was held at 7:30 PM, Monday, April 12, 2010. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

**ROLL CALL:**

Council Present: Alloway, Brennan, Brunton, Brickley and Fields.  
Clerk Brouse, CFO Moules and Attorney Higgins were present.

**PUBLIC HEARING****PUBLIC**

**Marge Disch**, 23 E. Chestnut Street, found home for the ship wheel at the Museum.

**Woschenko**, 8 Morris Street, was it discussed in council regarding merge? A council person discussed forming a committee. The Borough is not giving up and not interested in merge. Reviewed budget items and only see a small short fall for 2009.

**Tom Eval**, 125 St. James Avenue, do we have a signed agreement with Fieldstone. Have we bought all the properties? We are in negotiation for last property.

**ENGINEER'S REPORT:**

The Engineer provided a written report on ongoing projects.

**CORRESPONDENCE: none****COUNCIL REPORTS:**

**Mrs. Fields**-Personal manual with JIF updates should be ready. New playground equipment should be installed by end of week. Planning Board did not meet last month. Abandoned properties court papers were filed. NPP reported that all funds are allocated. Four applications were taken this month. Letters have been sent to the Assemblymen.

**Mr. Brickley** reported on Public Works, preventative maintenance issues continue and we are working on repairs. Pennsauken loaned Merchantville a trash truck. Grass cut for opening day at baseball. We will purchase equipment for lawn work.

**Mr. Brunton** gave the Shade Tree report. Merchantville Public Works will donate a tree for Arbor Day, April 30<sup>th</sup>. Meeting will be on Wednesday at Library. Office of Emergency Management meeting is delayed.

**Mr. Brennan** reported that website will be working on May 1<sup>st</sup> or so. Public Events meeting 6:30-7:00. June 5<sup>th</sup> is the Birthday celebration. Egg Hunt went well. Thanks to the Easter Bunny, Dawn Schmidt and Steve Volkert. Reduction for Court dates from four per month to two is being considered.

**Mr. Alloway**-Police had 227 calls for service, 3 DWI, Pedestrian crossing checkpoint, 30 summons at Chestnut and Browning. Grant application for Click it or Ticket. Loitering problems in West End & Community Center (skateboarding). Purchase a sign stating no skate boarding at community center. Police will step up patrols.

**CLERK'S REPORT:**

The Farmer's Market will begin on May 21 and continue each Friday.

School Board Elections will be on April 20.

Information to FEMA for the snowstorm has been submitted.

Financial Disclosure Statements are due.

Don't forget to send you Census information in and be counted.

Spring Fling on Chestnut Avenue will take place on April 17<sup>th</sup>.

Public Events meeting will be on April 19th.

The JIF has new requirements to be added to our personnel manual<sup>t</sup>. A committee is working on completing the changes and it will be ready for the May 1<sup>st</sup> due date.

**OLD BUSINESS:****Discussion- Ship Wheel at Community Center**

A museum is interested in leasing the ship wheel. Discussion took place and it was decided that the museum would prepare an agreement to borrow the wheel for a period of five years.

**NEW BUSINESS:**

**ORDINANCE INTRODUCTION**-On a motion of Mr. Brickley and second of Mr. Brennan, (with Mr. Brunton voting no) council approved the introduction of the following Ordinance:

**ORDINANCE 10-05  
CALENDAR YEAR 2010 MODEL ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$119,697.13 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in

the CY 2010 budget year, the final appropriations of the Borough of Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$119,697.13, and that the CY 2010 municipal budget for the Borough of Merchantville be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be file with said Director within 5 days after such adoption.

**RESOLUTION 10-44 CALCULATION OF RESERVE FOR UNCOLLECTED TAXES:** On a motion of Mr. Brennan and second of Mrs. Fields, Council approved the following resolution:

**RESOLUTION 10-44  
BOROUGH OF MERCHANTVILLECOUNTY OF CAMDENRESOLUTION TO UTILIZE  
AVERAGE TAX COLLECTION RATEFOR CALCULATION OF RESERVE FOR  
UNCOLLECTED TAXES APPROPRIATION IN THE 2010 MUNICIPAL BUDGET**

**WHEREAS**, the Borough of Merchantville Borough has experienced a decline in tax collection rates in the last two years; and

**WHEREAS**, the use of the lower collection rate in arriving at the budget appropriation Reserve for Uncollected Taxes in the 2010 Municipal Budget would result in an unfair tax burden to the taxpayers of the Borough of Merchantville; and

**WHEREAS**, the Division of Local Government Services, Department of Community Affairs will allow the Borough of Merchantville to use the average of the prior three years' collection rates in calculating the budget appropriation Reserve for Uncollected Taxes in the 2010 Municipal Budget; and

**WHEREAS**, the prior three years' collection rates are 96.46% for 2007, 94.40% for 2008 and 94.61% for 2009; and

**WHEREAS**, the averaging of the prior three years' collection rates result in a collection rate of 95.15%;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Merchantville will use the collection rate of 95.00% in calculating the budget appropriation Reserve for Uncollected Taxes in the 2010 Municipal Budget.

**RESOLUTION 10-45 AUTHORIZATION OF TEMPORARY EMERGENCY**

**APPROPRIATIONS:** On a motion of Mr. Brennan and second of Mr. Alloway, Council approved the following resolution:

**R10-45  
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

**WHEREAS**, adoption of the 2010 Municipal Budget has been delayed; and

**WHEREAS**, no provision was made in the 2010 Temporary Budget for budget appropriations beyond March 31, 2010; and

**WHEREAS**, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for operating expenditures when the adoption of the Municipal Budget has been delayed; and

**WHEREAS**, the total emergency operating expenditures for the second quarter of 2010 are expected to be \$ 1,042,461.91 for the Current Fund and \$ 91,627.86 for the Sewer Fund;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville in accordance with the provisions of NJSA 40A:4-20 that:

An emergency temporary appropriation in the amount of \$1, 042,461.91 for the Current Fund and \$ 91,627.86 for the Sewer Fund is hereby made.

That said emergency temporary appropriations have been provided for in the 2010 Municipal Budget.

**RESOLUTION 10-46 INTRODUCE 2010 BUDGET:** On a motion of Mr. Brickley and second of Mrs. Fields, Council approved the following resolution:

### 2010 MUNICIPAL DATA SHEET

(MUST ACCOMPANY 2010 BUDGET)

MUNICIPALITY: <u>BOROUGH OF MERCHANTVILLE</u>	COUNTY: <u>CAMDEN</u>
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Official Mailing Address of Municipality <u>Borough of Merchantville</u>  <u>One West Maple Avenue</u>  <u>Merchantville, New Jersey 08109</u> Fax #: <u>(856) 662-0461</u>	Please attach this to your 2010 BUDGET AND MAIL TO:  Director, Division of Local Government Services Department of Community Affairs PO Box 803 Trenton, New Jersey 08625
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Division Use Only

Municode: \_\_\_\_\_  
 Public Hearing Date: \_\_\_\_\_

Sheet A

**Resolutions to be read and approved by consent agenda:** On a motion of Mr. Alloway and second of Mr. Brunton, Council approved the following resolutions to be read and approved by consent agenda:

### R10-47

### RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE FILING FOR A 2010 RECYCLING TONNAGE GRANT

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102 has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants for 2007 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of the Borough of Merchantville to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Merchantville that the Borough of Merchantville hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

#### **R10-48**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY LOCAL UNIT CIVIL RIGHTS RESOLUTION TO AFFIRM THE BOROUGH OF MERCHANTVILLE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Merchantville to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Borough of Merchantville has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE BE IT ADOPTED** by the Borough of Merchantville that:

Section 1: No official, employee, appointee or volunteer of the Borough of Merchantville by whatever title known, or any entity that is in any way a part of the Borough of Merchantville shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of the Borough of Merchantville's business or using the facilities or property of the Borough of Merchantville.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Merchantville to provide services that otherwise could be performed by the Borough of Merchantville.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so

that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Merchantville as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Merchantville. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Merchantville's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Merchantville in order for the public to be made aware of this policy and the Borough of Merchantville's commitment to the implementation and enforcement of this policy.

#### **R10-49**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, CAMDEN COUNTY, NEW JERSEY REFUND OF PAYMENT TO MORTGAGE COMPANY**

**WHEREAS**, the Merchantville Tax Collector has called to Mayor and Council's attention a request to refund a partial Lien Redemption payment to the Mortgage Company because the CCMUA charge should not have been included in the sale:

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Merchantville that the following refund be approved on this account in the amount of \$409.20 and be forwarded to BAC Tax Servicing Corporation, CAO 911 01 03, PO Box 10211, Van Nuys, CA 91410:

<b>CERTIFICATE</b>	<b>BL.</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
09-00021	24.02	3.03	Peter M Jr & Sandra Zaknich 123 Springfield Ave	\$409.20

**DISCUSSION-Yard Waste pick up**-Monday's and Thursday's in May

**APPROVAL:** On a motion of Mr. Alloway and second of Mrs. Fields, Council approved the Use of Wellwood park in June for Gospel Music Festival.

#### **PAYMENT OF BILLS:**

On the motion of Mrs. Fields and second of Mr. Alloway, Council approved the following bills for payment:

#### **R10-50 RESOLUTION**

**RESOLVED** that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

<b>Borough of Merchantville</b>	<b>Bill List Summary</b>	<b>April 12, 2010</b>	
<b>Current Fund</b>		<b>Revenue fund</b>	
<b>Checks Current Fund</b>	2009 Budget		20,004.00
	2010 Budget		120,762.78
	State / Federal Grants		27,695.13
	Pension		276,220.00
	Debt Service		28,775.25
	Board of Education		
	Revenue Current	3,330.38	
	Checks Delivered		1,584.79
	<b>Total Current</b>	<b>3,330.38</b>	<b>475,041.95</b>
<b>Sewer Utility Fund</b>			
	2010 Budget		10,421.80
	Debt Service		
	Checks Delivered		
	<b>Total Sewer</b>		<b>10,421.80</b>
<b>Recreation Commission</b>			
	2010 Budget		
	Revenue Rec	1000.00	487.95
	Checks Delivered		
	<b>Total Recreation</b>	<b>1,000.00</b>	<b>487.95</b>
<b>General Capital Fund</b>	Budget		2,214.60
<b>Sewer Capital Fund</b>	Budget		67.52
	Checks Delivered		
	<b>Total Capital</b>		<b>2,282.12</b>
<b>Trust-Other Fund</b>			
	2010 Budget		2,136.95
	Checks Delivered		
	<b>Total Trust</b>		<b>2,136.95</b>
<b>Animal Trust</b>	2010 Budget		75.60
<b>Unemployment</b>	2010 Budget		
	Checks Delivered		
	<b>Total</b>		<b>75.60</b>
<b>Total Bill list</b>	<b>Revenue \$ 4,330.38</b>	<b>Budget</b>	<b>490,370.77</b>

**PRIVATE SESSION:** On the motion of Mr. Alloway and second of Mr. Brickley, council voted to adjourn to private session to discuss matters of personnel.

**R10-54B  
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
AUTHORIZING A PRIVATE SESSION OF COUNCIL**

Mr. Alloway offered the following resolution and moved its adoption:

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:  
Matters of Personnel
3. It is anticipated at this time that the above stated subject matter shall be made public.
4. This Resolution shall take effect immediately.

Seconded by Mr. Brickley and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Alloway	( x )	( )	( )	( )
Mr. Brennan	( xx )	( )	( )	( )
Mr. Perno	( x )	( )	( )	( )
Mr. Brunton	( )	( )	( )	( )
Mr. Brickley	( x )	( )	( )	( )
Mrs. Fields	( x )	( )	( )	( )

On a motion of Mr. Brickley and second of Mr. Brennan, council voted to return to public session.

**ADJOURNMENT:**

On the motion of Mr. Brennan and second of Mr. Brickley the meeting was adjourned at 8:38 PM.

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DENISE BROUSE  
BOROUGH CLERK